

REMARKS

Applicants respectfully request reconsideration and allowance of all pending claims.

I. Status of Pending Claims

In this Amendment A, claims 1 and 19 have been amended, claims 16 to 18 have been canceled, and claims 50-54 have been added. Accordingly, claims 1-15 and 19-54 are now pending.

Claim 1 has been amended to amplify certain embodiments of the present invention. For example, claim 1 no longer includes reference to a volumetric ratio of the particulate support to solvent. Rather, claim 1 now calls for freezing the solution comprising the solvent and a dissolved metal, followed by separation of the particulate support from the frozen solution by freeze drying, wherein during this separation at least a portion of the frozen solution is allowed to melt. Support for the amendments to claim 1 may be found in now canceled claim 18, as well as in paragraph 0041 of the application.

Claim 19 has been amended simply to correct a typographical error therein, the word "frozen" having been inserted by this amendment before the word "solution" in paragraph (iii).

Finally, claims 50 to 54 have been added. Support for these claims may be found, for example, in paragraph 0030 of the application.

II. Provisional Nonstatutory Double Patenting Rejection of Claims 1-49

The provisional double patenting rejection of claims 1-49 in view of co-pending application Serial No. 10/777,482 has been noted. However, consistent with MPEP

§804, B., unless and until either the present application or the cited co-pending application is otherwise deemed allowable, the appropriateness of such a rejection cannot be ascertained. Accordingly, Applicants respectfully reserve the right to comment more fully on the present rejection at that time.

III. §102(b) Rejection

Reconsideration is respectfully requested of the rejection of claims 1-3, 7, 8, 14, 15, 19-24, 26-30, 47, and 48 under 35 U.S.C. §102(b) as being anticipated by French Patent No. 2,315,318.

Claim 1 of the present application is directed to a method for forming a supported metal-containing powder. In relevant part, the claimed method comprises the step of separating a particulate support from a frozen solution in which it is dispersed by freeze drying, wherein during this separation step at least a portion of the frozen solution is allowed to melt. As noted in the present application, in for example paragraph 0041, Applicants have discovered that a free-flowing, non-agglomerated powder may be prepared, even if a portion of the solvent in the frozen solution is allowed to melt during freeze drying.

In contrast to the method of claim 1, the cited French patent makes no reference to allowing a portion of the frozen solvent to melt during freeze drying. Rather, the cited patent simply calls for drying the frozen paste by freeze drying.

In view of the forgoing, Applicants respectfully submit the method of claim 1 is not anticipated by the cited French patent. Applicants therefore request that the present rejection be withdrawn.

In as much as claims 2, 3, 7, 8, 14 and 15 depend from claim 1, these claims are submitted as patentable over the cited French patent for the same reasons as those set forth with respect to claim 1, and by virtue of the additional requirements therein.

Claim 19 of the present application, like claim 1, is directed to a method for forming a supported metal-containing powder. In relevant part, the claimed method comprises forming a dispersion of a particulate support in a solution comprising a solvent and a dissolved metal, and then removing heat from this dispersion to precipitate the dissolved metal from the solution onto the particulate support and to freeze the solution. Notably, heat is removed to freeze the dispersion by contacting the container in which the dispersion is present with a cryogenic liquid. Such a method is advantageous because it eliminates the need of, for example, filtration to collect the frozen material.

In contrast to the method of claim 1, the cited French patent makes no reference to contacting a container in which the frozen paste is present with a cryogenic liquid. Rather, the cited patent simply calls for drying the frozen paste by immersing the paste into liquid nitrogen.

In view of the forgoing, Applicants respectfully submit the method of claim 19 is not anticipated by the cited French patent. Applicants therefore request that the present rejection be withdrawn.

In as much as claims 20-24, 26-30, 47 and 48 depend from claim 19, these claims are submitted as patentable over the cited French patent for the same reasons as those set forth with respect to claim 19, and by virtue of the additional requirements therein.

IV. New Claims 50-54

New claim 50, from which claims 51-54 depend, is directed to a method for forming a supported metal-containing powder comprising, among other things, the formation of a dispersion of a particulate support in a solution comprising a solvent and a dissolved metal. The dispersion comprises about 1 to about 30 weight percent of the particulate support.

Applicants respectfully submit claim 50, as well as claims 51-54 depending therefrom, is novel over the cited French patent because the cited patent fails to provide specific details regarding the concentration of the support present in the paste prepared therein.

CONCLUSION

In view of the foregoing, favorable reconsideration and allowance of all pending claims is respectfully requested.

Enclosed with this Amendment A is a check in the amount of \$250.00, for the fees associated with the addition of one independent claim and one dependent claim. The Commissioner is however hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 19-1345.

Respectfully submitted,



Derick E. Allen, Reg. No. 43,468
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

* Enclosure

DEA/NAK/clh

Express Mail Label No. EV 621120305 US
Mail Stop Amendment